

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

<p>IN RE:</p> <p>OFFICE OF CONSUMER ADVOCATE AND NIXSON AND ASSOCIATES, INC.,</p> <p style="text-align:center">Petitioners,</p> <p style="text-align:center">vs.</p> <p>LCR TELECOMMUNICATIONS, L.L.C.,</p> <p style="text-align:center">Respondent.</p>	<p style="text-align:center">DOCKET NO. FCU-03-14</p>
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**ORDER APPROVING SETTLEMENT AGREEMENT
AND ASSESSING CIVIL PENALTY**

(Issued September 26, 2003)

On November 21, 2002, Nixson & Associates, Inc. (Nixson), submitted a slamming complaint to the Utilities Board (Board), alleging Nixson's long distance service was changed to LCR Telecommunications, L.L.C. (LCR), without authorization. The Board identified the matter as C-02-404.

On December 17, 2002, after completion of the informal complaint process pursuant to 199 IAC 6, Board staff issued a proposed resolution finding that Nixson had been slammed by LCR. On December 18, 2002, Nixson filed a request for formal complaint proceedings to consider imposing civil penalties on LCR. On

February 11, 2003, the Consumer Advocate Division of the Department of Justice (Consumer Advocate) filed a joinder in Nixon's request.

On September 12, 2003, Consumer Advocate and LCR, parties to Docket No. FCU-03-14, submitted a joint motion for approval of the settlement agreement contained in the motion. Pursuant to the terms of the settlement agreement, LCR denies slamming the customer's long distance service, but in the interest of settling the matter, LCR agrees to assessment of a civil penalty in the amount of \$500 due 30 days after entry of this order. LCR has also credited all charges previously billed to the customer.

On September 22, 2003, Nixon filed a joinder in the motion and settlement agreement submitted by Consumer Advocate and LCR. The settlement agreement addresses all issues in the docket.

The settlement agreement is reasonable in light of the record, is in conformance with all applicable statutes and rules, is in the public interest, and will be approved. 199 IAC 7.2(11).

IT IS THEREFORE ORDERED:

1. The "Joint Motion for Approval of Settlement Agreement" filed in this docket on September 12, 2003, and the "Joinder In Motion For Approval Of Settlement Agreement" filed in this docket on September 22, 2003, is granted and the "Settlement Agreement" is approved.

2. Pursuant to Iowa Code § 476.103 and the Settlement Agreement filed September 12, 2003, LCR Telecommunications, L.L.C., is assessed a civil penalty in the amount of \$500. Payment is due within 30 days of the date of this order.

UTILITIES BOARD

/s/ Diane Munns

/s/ Mark O. Lambert

ATTEST:

/s/ Judi K. Cooper
Executive Secretary

/s/ Elliott Smith

Dated at Des Moines, Iowa, this 26th day of September, 2003.